

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIE Wright,

Plaintiff,

Case No. 21-cv-11491

Hon. Matthew F. Leitman

v.

BRIA MORRIS, *et al.*,

Defendant.

**ORDER (1) ADOPTING RECOMMENDED DISPOSITION OF REPORT
AND RECOMMENDATION (ECF No. 40); (2) DENYING DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT AS MOOT (ECF NO. 15); AND
(3) GRANTING DEFENDANTS' MOTION TO DISMISS (ECF NO. 31)**

In this action, *pro se* Plaintiff Willie Wright, who is currently incarcerated at the Saginaw Correctional Facility in connection with several state-court convictions, alleges that the Defendants violated his Fourteenth Amendment rights to due process and equal protection. (*See* Compl., ECF No. 1.) Wright's claims arise out of an alleged error in the state-court presentence investigation report that was prepared following his convictions. (*See id.*) Wright filed this action pursuant to 42 U.S.C. § 1983, and the suit was referred to the assigned Magistrate Judge for all pretrial proceedings on August 10, 2021. (*See id.*).

On September 27, 2021, Defendants Bria Morris, Christopher Kirkland, Cory Sharrow, and Gary Miniard (collectively, the "MDOC Defendants") moved for

summary judgment on the basis that Wright failed to exhaust his claims against them prior to filing this action. (*See* Mot., ECF No. 15.) The MDOC Defendants also filed a Motion to Dismiss on February 7, 2022. (*See*, Mot., ECF No. 31.) Wright filed responses to these motions, (*see* Wright Resp., ECF Nos. 33, 34, 35), and the MDOC Defendants filed replies. (*See* MDOC Repl., ECF Nos. 37, 38.) On August 5, 2022, the Magistrate Judge recommended that the Court (1) deny the MDOC Defendants' Motion for Summary Judgment as moot, and (2) grant the MDOC Defendants' Motion to Dismiss (the "R&R"). (*See* R&R, ECF No. 40.) At the conclusion of the R&R, the Magistrate Judge informed the parties that, if they wanted to seek review of his recommendation, they needed to file specific objections with the Court within fourteen days. (*See id.*, PageID.252.)

Wright has not filed any objections to the R&R. The failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). Likewise, the failure to file objections to an R&R waives any further right to appeal. *See Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Accordingly, because Wright has failed to file any objections to the R&R, **IT IS HEREBY ORDERED** that the Magistrate Judge's recommended disposition of Defendants' motion is **ADOPTED**.

IT IS FURTHER ORDERED that (1) Defendants' motion for summary judgment (ECF No. 15) is **DENIED AS MOOT** and (2) the MDOC Defendants' Motion to Dismiss (ECF No. 31) be **GRANTED**.

/s/Matthew F. Leitman

MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: September 8, 2022

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on September 8, 2022, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager
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